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VIA ECF

Hon. James B. Clark, III, U.S.M.J.
United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: DVL, Inc. and DVL Kearny Holdings, LLC v. Congoleum Corporation and
Bath Iron Works Corporation; U.S. District Court, District of New Jersey,
Civil Action No. 2:17-cv-04261**

Dear Judge Clark:

We are in receipt of Ms. Otero's letter to Your Honor today requesting that the September 16, 2020 settlement conference be adjourned to September 28 or 29 because Liberty Mutual, which has provided a defense to Congoleum since before this litigation began in June 2017 and has since offered a defense to BIW as well, "requires additional time for evaluation of the claims and defenses." It is simply preposterous that, having already participated in a pre-litigation mediation and having lived with this case for the ensuing three plus years, Liberty Mutual is somehow unable to "engage in substantive settlement discussions on September 16th" but will be fine to do so on September 28 or 29. It is no coincidence that the proposed new dates fall **after** the deadline for filing objections to Congoleum's proposed asset-stripping sale to stalking horse insiders in the Bankruptcy Court and **only one or two days before** the hearing on that proposed sale. Liberty Mutual has known about the settlement conference since Your Honor scheduled it on August 26, over two weeks ago, and has had more than ample time, especially given its long history with this case, to prepare. This type of gamesmanship should not be tolerated and Plaintiffs accordingly request that the conference next week go forward as scheduled and that Liberty Mutual be directed to attend and participate.

In the event Your Honor nonetheless agrees to reschedule the conference to one of the two dates proposed by Ms. Otero, we ask that the conference be set for September 29, 2020, as September 28, 2020 is a Jewish holiday, Yom Kippur, which the decision makers of Plaintiffs and Plaintiffs' counsel must observe and therefore would be unable to attend. Thank you for your consideration.



Respectfully,

/s/ Eitan D. Blanc

Eitan D. Blanc

Anthony R. Twardowski

Cc: All counsel of record (via ECF)